

**Town Board Minutes**  
(Municipal Review Committee )

**Meeting  
No. 31**

**Special Meeting**

**September 7, 2004**

# **Town Board Minutes**

**September 7, 2004**

**Meeting No. 31**

A joint meeting of the Town Board and the Planning Board of the Town of Lancaster, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York on the 7th day of September 2004, at 6:30 PM and there were

**PRESENT:** DANIEL AMATURA, COUNCIL MEMBER  
RONALD RUFFINO, COUNCIL MEMBER  
DONNA STEMPIAK, COUNCIL MEMBER  
ROBERT GIZA, SUPERVISOR  
JOHN GOBER, PLANNING BOARD MEMBER  
LAWRENCE KORZENIEWSKI, PLANNING BOARD MEMBER  
MELVIN SZYMANSKI, PLANNING BOARD MEMBER  
STANLEY KEYSA, PLANNING BOARD CHAIRMAN

**ABSENT:** MARK MONTOUR, COUNCIL MEMBER  
REBECCA ANDERSON, PLANNING BOARD MEMBER  
MICHAEL MYSZKA, PLANNING BOARD MEMBER  
STEVEN SOCHA, PLANNING BOARD MEMBER

**ALSO PRESENT:** JOHANNA COLEMAN, TOWN CLERK  
JEFFREY SIMME, BUILDING INSPECTOR  
ROBERT LABENSKI, TOWN ENGINEER

## **PURPOSE OF MEETING:**

This joint meeting of the Town Board and Planning Board of the Town of Lancaster was held for the purpose of acting as a Municipal Review Committee for one (1) action.

**IN THE MATTER OF THE SEQR REVIEW OF THE  
CINGULAR WIRELESS SITE PLAN  
(SBA NETWORK SERVICES)**

The Municipal Review Committee proceeded with the short Environmental Assessment Form on the Cingular Wireless site plan matter with an item for item review and discussion of the project impact and magnitude as outlined on the Short Environmental Assessment Form, entitled "Part II Environmental Assessment", which was provided to each member.

**THE FOLLOWING RESOLUTION WAS OFFERED  
BY PLANNING BOARD MEMBER GOBER, WHO  
MOVED ITS ADOPTION.               SECONDED BY  
PLANNING BOARD CHAIRMAN KEYSA, TO WIT:**

**RESOLVED**, that the following Negative Declaration be adopted.

**NOTICE OF DETERMINATION:  
CINGULAR WIRELESS SITE PLAN  
(SBA NETWORK SERVICES)  
NEGATIVE DECLARATION**

**PLEASE TAKE NOTICE**, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is an unlisted action, through its designated Municipal Review Committee, and that committee having found no significant environmental impact relative to the criteria found in 6NYCRR, Part 617.7, the lead agency now issues a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with 617.12.

**NAME AND ADDRESS OF LEAD AGENCY**

Town of Lancaster  
21 Central Avenue  
Lancaster, New York 14086  
Richard J. Sherwood, Town Attorney  
716-684-3342

**NATURE, EXTENT AND LOCATION OF ACTION:**

The proposed development is of a parcel involving approximately <1 acre.

The location of the premises being reviewed is situate at 933 Ransom Road, County of Eric, Town of Lancaster, New York.

## REASONS SUPPORTING DETERMINATION

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, has found, in their item for item completion of the Short Environmental Assessment Form on this proposed action as follows:

- A. The action does not exceed any type 1 threshold in 6 NYCRR, Part 617.4.
- B. The action will not receive coordinated review as provided for unlisted actions in 6 NYCRR, Part 617.6.
- C. The proposed action will not result in any adverse effects associated with the following: (except as noted)
  - C.1 Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems.

**No significant adverse effects noted**

- C.2 Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character.

**Small to moderate aesthetic impact noted**

- C.3 Vegetation or fauna, fish, shellfish or wildlife species significant habitats, or threatened or endangered species.

**No significant adverse effects noted**

- C.4 A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources.

**No significant adverse effects noted**

- C.5 Growth, subsequent development, or related activities likely to be induced by the proposed action.

**No significant adverse effects noted**

- C.6 Long term, short term, cumulative, or other effects not identified in C1-C5.

**No significant adverse effects noted**

C.7 Other impacts (including changes in use of either quantity or type of energy).

**Small to moderate impacts noted. It is further noted that the applicant must coordinate with the FAA due to the project's proximity to the Buffalo-Lancaster Airport.**

D. The Town of Lancaster has not established a critical environmental area (CEA) pursuant to subdivision 6NYCRR617.14(g), therefore the proposed action will not impact the exceptional or unique characteristics of a critical environmental area (CEA).

E. There is not, nor is there likely to be, controversy related to potential adverse environmental impacts.

s/s

Robert H. Giza, Supervisor  
Town of Lancaster

SEAL

September 7, 2004

and,

**BE IT FURTHER**

**RESOLVED**, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Negative Declaration" Notice of Determination of Non-Significance in this matter, and

**BE IT FURTHER**

**RESOLVED**, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non-Significance in this matter with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal and "Negative Declaration" with the Town Clerk.

The question of the adoption of the foregoing Notice of Determination was duly put to a vote which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES
PLANNING BOARD MEMBER ANDERSON	WAS ABSENT
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER KORZENIEWSKI	VOTED YES
PLANNING BOARD MEMBER MYSZKA	WAS ABSENT
PLANNING BOARD MEMBER SOCHA	WAS ABSENT
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	VOTED YES

The Notice of Determination was thereupon unanimously adopted.

September 7, 2004


**ADJOURNMENT:**

ON MOTION OF PLANNING BOARD MEMBER SZYMANSKI AND  
SECONDED BY COUNCIL MEMBER AMATURA FOR ADJOURNMENT OF THE  
MEETING, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES
PLANNING BOARD MEMBER ANDERSON	WAS ABSENT
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER KORZENIEWSKI	VOTED YES
PLANNING BOARD MEMBER MYSZKA	WAS ABSENT
PLANNING BOARD MEMBER SOCHA	WAS ABSENT
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	VOTED YES

The meeting was adjourned at 6:42 P.M.

Signed

  
Johanna M. Coleman, Town Clerk

# **Town Board Minutes**

## **Meeting No. 32**

### **Regular Meeting**

**September 7, 2004**

# ***Town Board Minutes***

September 7, 2004

Meeting No. 32

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 7<sup>th</sup> day of September at 8:00 P.M. and there were

**PRESENT:** DANIEL AMATURA, COUNCIL MEMBER  
MARK MONTOUR, COUNCIL MEMBER  
RONALD RUFFINO, COUNCIL MEMBER  
DONNA STEMPIAK, COUNCIL MEMBER  
ROBERT GIZA, SUPERVISOR

**ABSENT:** NONE

**ALSO PRESENT:** JOHANNA COLEMAN, TOWN CLERK  
ROBERT LABENSKI, TOWN ENGINEER  
RICHARD SHERWOOD, TOWN ATTORNEY  
JEFFREY SIMME, BUILDING INSPECTOR  
GARY STOLDT, CHIEF OF POLICE  
TERRENCE McCracken, GENERAL CREW CHIEF  
RICHARD REESE JR., HIGHWAY SUPERINTENDENT

## **PERSONS ADDRESSING TOWN BOARD:**

**Chowanec, Lee**, 93 Northwood Drive, spoke to the Town Board on the following matter:

- Comments about petitions regarding Pleasant Meadows Subdivision

**Fronczak, Mike** 3 Woodstream, spoke to the Town Board on the following matters:

- Asked questions about land to be auctioned
- Inquired about the procedure for bidding on the proposed Town Hall bathroom renovation.
- Questions about parking on Lake Avenue in the Village of Lancaster.

**Howell, Gary**, 48 Park Blvd, spoke to the Town Board on the following matter:

- Inquired as to the cost to the Town for the real estate auction; he feels that the minimum bid is too low.

**Korez, Richard**, 4946 William Street, spoke to the Town Board on the following matter:

- Questions about the auction of Town owned real estate.

**Symer, Donald**, 610 Columbia Avenue, spoke to the Town Board on the following matters:

- Recommends that the Town set a minimum bid for land to be auctioned on Spohn Drive.
- Is in favor of the Town's piping ditch on the west side of Central Avenue between Pleasant View Drive and Forton Drive.
- Questions regarding site plan conformance of the church on Central Avenue and Forton Drive.



**PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**RESOLVED**, that the minutes of the Joint Meeting of the Town Board and the Planning Board held August 16, 2004 and the Regular Meeting of the Town Board held August 16, 2004 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 7, 2004

File: RMIN (P2)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MONTOUR, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, Section 5.202.5 of the Election Law of the State of New York, provides for consolidation of Election Districts for the purpose of registration of voters, and

**WHEREAS**, the Town Clerk of the Town of Lancaster has previously consolidated and desires to continue consolidating polling places, thereby resulting in a substantial cost savings to the taxpayers of the Town of Lancaster, and

**WHEREAS**, the Town Clerk has informed the Town Board that she wishes to take advantage of Section 5.202.5 of the Election Law to save taxpayers more than \$10,000 in inspector payroll costs.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Clerk of the Town of Lancaster be and is hereby authorized to contact the Erie County Board of Elections and request authorization from the Erie County Board of Elections for the consolidation of forty-four (44) polling places within the Town of Lancaster for the October 2004 Registration of Voters into a single place of registration, that is the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 7, 2004

file: Election/Reconsolidate Registration

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPNIAK, TO WIT:

**WHEREAS**, the Town Board of the Town of Lancaster after due review and consideration has determined that certain real property owned by the Town is surplus property as the Town has not made use of the property and has no future use under consideration, and

**WHEREAS**, the Town Board has further determined that the sale of such surplus property is in the interest of the residents of the Town as it will provide revenue to the Town, and

**WHEREAS**, the Town has gained appraisals for the property which is deemed to be surplus and is prepared to move the sale of the property to auction through the appointment of an auctioneer, and

**WHEREAS**, an action of the Town Board to convey Town owned real property is subject to permissive referendum pursuant to §64 (2) of the Town Law.

**NOW THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby makes a determination that the following parcel is surplus property to the Town to wit:

**ALL THAT TRACT OR PARCEL OF LAND**, situate in the Town of Lancaster, County of Erie and State of New York, being part of Lot No. Seven (7), Section Ten (10), Township Eleven (11), Range Six (6), of the Holland Land Company's Survey, and upon a certain subdivision Map of Premises, Lancaster Terrace, and more fully described in the Erie County Clerk's Office, under cover 1095. The premises hereby conveyed are designated as Subdivision Lot Numbers Thirty-Two (32) and Thirty-Three (33) in Block No. A; as laid out upon said subdivision Map of Irwinwood Building and Development Corporation, and is hereby described as follows:

Beginning at a point on the westerly line of Brunswick Road, distant Two Hundred (200) feet south from the southerly line of Spohn Drive; thence running westerly and parallel with the southerly line of Spohn Drive, One Hundred Twenty-four and Eighty-two one hundredths (124.82) feet to a point; thence southerly and parallel with the westerly line of Brunswick Road, Fifty (50) feet to a point, thence easterly and parallel with the southerly line of Spohn Drive, One Hundred Twenty-four and Eighty-two one-hundredths (124.82) feet to the westerly line of Brunswick Road; thence northerly along the westerly line of Brunswick Road, Fifty (50) feet to the point or place of beginning.

Parcel has a tax I.D. No. 115.06-5-7 on the Town of Lancaster tax roll.

**BE IT FURTHER**

**RESOLVED**, that the Town Board appoints Joscph Maciejewski to act as the designated Town officer for purposes of holding a public auction of the beforementioned parcel with the bidding to commence at a minimum bid of \$800, and

**BE IT FURTHER**

**RESOLVED**, that the terms and conditions for the public auction shall be as set forth on the attached "Terms and Conditions Statement For Public Auction" which is made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 7, 2004

File: rsurplusproperty904

**TERMS AND CONDITIONS FOR PUBLIC AUCTION  
TOWN OF LANCASTER OWNED REAL ESTATE**

1. All sales are subject to final approval by the Lancaster Town Board.
2. Bidders must pay 20% of the purchase price in CASH, CERTIFIED CHECK or MONEY ORDER (U.S. FUNDS) ONLY as a deposit at the time the property is struck down; if such deposit is not made the property will immediately be again offered for sale.
3. All properties sold will be subject to a BUYERS PREMIUM in the amount of five (5%) percent added to the amount of the successful bid price and shall be payable at closing.
4. All sales must be closed within 90 days after notification of approval by the Lancaster Town Board. If a bidder should not close within the 90-day period, the deposit less the BUYERS PREMIUM will be forfeited and the property re-sold, the bidder remaining liable to the Town for breach of contract damages.
5. The Town WILL NOT provide a search or survey.
6. The Town will furnish a Quit Claim Deed to the purchaser and all deeds must be recorded at closing.
7. The purchaser is responsible for paying the New York State Real Property Transfer Tax, the Transportation Assistance Tax and recording fees.
8. All properties are sold "AS IS" without any representation or warranty regarding title, value, condition, occupancy or suitability for a particular use.
9. All properties are sold subject to any existing easement, restriction zoning regulations and encroachments.
10. No bid assignments, name changes or additional description requests will be processed by the Referee after the date of the sale unless accompanied by a \$50.00 fee (each), paid by the party requesting same.

**LEGAL NOTICE  
OF PUBLIC AUCTION  
OF LAND OWNED BY  
THE TOWN OF LANCASTER**

Notice is hereby given that the Town of Lancaster through its designated Officer Joseph Maciejewski will hold a public auction of a parcel of Town owned land described as follows:

**ALL THAT TRACT OR PARCEL OF LAND**, situate in the Town of Lancaster, County of Erie and State of New York, being part of Lot No. Seven (7), Section Ten (10), Township Eleven (11), Range Six (6), of the Holland Land Company's Survey, and upon a certain subdivision Map of Premises, Lancaster Terrace, and more fully described in the Erie County Clerk's Office, under cover 1095. The premises hereby conveyed are designated as Subdivision Lot Numbers Thirty-Two (32) and Thirty-Three (33) in Block No. A; as laid out upon said subdivision Map of Irvinwood Building and Development Corporation, and is hereby described as follows:

Beginning at a point on the westerly line of Brunswick Road, distant Two Hundred (200) feet south from the southerly line of Spohn Drive; thence running westerly and parallel with the southerly line of Spohn Drive, One Hundred Twenty-four and Eighty-two one hundredths (124.82) feet to a point; thence southerly and parallel with the westerly line of Brunswick Road, Fifty (50) feet to a point, thence easterly and parallel with the southerly line of Spohn Drive, One Hundred Twenty-four and Eighty-two one-hundredths (124.82) feet to the westerly line of Brunswick Road; thence northerly along the westerly line of Brunswick Road, Fifty (50) feet to the point or place of beginning.

Parcel has a tax I.D. No. 115.06-5-7 on the Town of Lancaster tax roll.

The auction of the above parcel will take place on October 16, 2004 at 10 AM in the Town Hall Meeting Chambers, 21 Central Avenue, Lancaster, New York.

Terms and conditions of this public auction are available in the office of the Town Clerk, 21 Central Avenue, Lancaster, New York during regular business hours from 9 AM to 5 PM, Monday through Friday.

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AMATURA, TO WIT:

**WHEREAS, David Hawk**, the owner of property located at 255 Peppermint Road in the Town of Lancaster, has submitted an application for a "Home Occupation" Special Use Permit for a small machine shop which will be incidental and subordinate to the use of the premises for residential use pursuant to provisions of Chapter 50 - Zoning - Section 17 (F) of the Code of the Town of Lancaster;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that pursuant to Chapter 50-Zoning, Section 17 (F), entitled "Home Occupations", of the Code of the Town of Lancaster, a Public Hearing on the proposed Special Use Permit for a small machine shop will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 20th day of September 2004, 8:35 o'clock P.M., Local Time, and that Notice of the time and place of such Hearing be published in the Lancaster Bee, a newspaper of general circulation in said Town, and News, and be posted on the Town Bulletin Board and that a copy of such Notice of Hearing be referred to the Erie County Department of Planning, pursuant to Section 239(m) of the General Municipal Law, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 7, 2004

File: rspecialusehawkdavid904

**LEGAL NOTICE  
PUBLIC HEARING  
SPECIAL USE PERMIT - DAVID HAWK  
255 PEPPERMINT ROAD**

**LEGAL NOTICE IS HEREBY GIVEN**, that pursuant to the authority set forth in Chapter 50-Zoning, Section 17 (F) "Home Occupations" of the Code of the Town of Lancaster, and the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster adopted on the 7<sup>th</sup> day of September, 2004 the said Town Board will hold a Public Hearing on the 20<sup>th</sup> day of September, 2004, at 8:35 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the application of David Hawk, for a Special Use Permit for a home occupation - small machine shop incidental and subordinate to the use of the premises for residential use on premises locally known as 255 Peppermint Road, Lancaster, County of Erie, State of New York.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

**BY: JOHANNA M. COLEMAN**  
Town Clerk

September 7, 2004



THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER RUFFINO, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPIAK, TO WIT:

**WHEREAS**, the Highway Superintendent of the Town of Lancaster has requested the purchase of One (1) new and unused sweeper for the use of the Highway Department, and

**WHEREAS**, the Highway Committee of the Town Board recommends that such purchase be authorized;

**NOW, THEREFORE, BE IT  
RESOLVED**, as follows:

11. That Bids be received by the Town Clerk on September 23, 2004 at 10:00 o'clock A.M. Local Time at the Town Hall, 21 Central Avenue, Lancaster, New York, for the purpose of purchasing One (1) new and unused sweeper for the use of the Highway Department in accordance with specifications on file in the Town Clerk's Office, and

2. That the Town Clerk be and is hereby authorized to place a Notice to Bidders in the Lancaster Bee and post notices thereof as required by Law, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 7, 2004

**LEGAL NOTICE  
TOWN OF LANCASTER  
NOTICE TO BIDDERS**

**NOTICE IS HEREBY GIVEN**, that sealed bids will be received by the Town Clerk of the Town of Lancaster, Erie County, New York, in the Council Chamber of the Town Hall, 21 Central Avenue, Lancaster, New York, up to 10:00 o'clock A.M., Local Time, on the 23rd day of September, 2004, for the purpose of providing to the Town of Lancaster One (1) new and unused sweeper, for the use of the Highway Department, in accordance with specifications on file in the Town Clerk's Office in the Town Hall, 21 Central Avenue, Lancaster, New York.

A Certified Check or Bid Bond in an amount representing five percentum (5%) of the Total Bid, payable to the Supervisor of the Town of Lancaster, and a Non-Collusive Bidding Certificate must accompany each bid.

The Board reserves the right to reject any or all bids and to waive any informalities.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

**BY: JOHANNA M. COLEMAN  
Town Clerk**

September 7, 2004

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
ENTIRE TOWN BOARD, TO WIT:

**WHEREAS**, the State Legislature has passed budget legislation which will adversely effect the return of significant fee revenue to Towns through the adjudication process of vehicle and traffic matters in the Town justice courts, and

**WHEREAS**, the Town Board of the Town of Lancaster has previously memorialized Governor George E. Pataki, Senator Dale Volker and Assemblyperson Paul Tokasz in regard to the Town's opposition to what had been proposed legislation, and

**WHEREAS**, the Town Board of the Town of Lancaster deems it critical to once again memorialize the Governor and the State representatives that the provisions recently amended of Section 1803 of the Vehicle and Traffic Law should be amended once again to provide that the Towns in the State of New York receive monies which have been historically returned to local government by the Justice Court Fund as a result of the justice court adjudication process;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby resolves to memorialize Governor George E. Pataki, Senator Dale Volker and Assemblyperson Paul Tokasz to amend the law recently adopted by the Senate under Bill No. 6065 and by the Assembly under Bill No. 9556 to provide that monies be returned to local government by the Justice Court Fund as a result of the justice court adjudication process as has been historically done in the past, these funds having been used by municipalities to support the cost of the Towns' justice court operations; and

**BE IT FURTHER**

**RESOLVED**, that certified copies of this resolution be forwarded to Governor George E. Pataki, Senator Dale Volker, Assemblyperson Paul Tokasz, Senate Majority Leader Joseph L. Bruno and State Assembly Speaker Sheldon Silver and to all Town Supervisors in the County of Erie.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOR, TO WIT:

WHEREAS, SBA Network Services, Inc., 935 Thayer Road, Fairport, New York, as agent for Southwestern Bell Mobile Systems, LLC, d/b/a Cingular Wireless, has submitted an application for a Special Use Permit for construction of a 140' monopole tower and a 11' x 20' equipment building and generator within a 20' x 50' fenced compound to be situated on property located on 933 Ransom Road, Lancaster, New York, in accordance with Chapter 50-41.6 of the Zoning Code of the Town of Lancaster, and

**NOW, THEREFORE, BE IT**

**RESOLVED**, that pursuant to Chapter 50, Section 50-41.1 et seq. entitled "Communication Towers" of the Code of the Town of Lancaster, a Public Hearing on the proposed Special Use Permit to Southwestern Bell Mobile Systems, LLC, d/b/a Cingular Wireless for the construction of a 140' monopole tower and a 11' x 20' equipment building and generator within a 20' x 50' fenced compound to be situated on property located on 933 Ransom Road, Lancaster, New York, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York on the 20th day of September, 2004 at 8:30 o'clock P.M., Local Time, and that Notice of the time and place of such hearing be published in the Lancaster Bee, a newspaper of general circulation in said Town, and be posted on the Town Bulletin Board, and that a copy of such Notice of Hearing be referred to the Erie County Department of Planning, pursuant to Section 239(m) of the General Municipal Law, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 7, 2004

File: rsbanetworkservicespecialusepermit904

**LEGAL NOTICE  
PUBLIC HEARING  
TOWN OF LANCASTER  
SPECIAL USE PERMIT - Southwestern Bell Mobile Systems, LLC  
d/b/a Cingular Wireless**

**LEGAL NOTICE IS HEREBY GIVEN**, that pursuant to the authority set forth in Section 50-41.8 of the Zoning Code of the Town of Lancaster and the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 7<sup>th</sup> day of September, 2004, the Town Board will hold a Public Hearing on the 20th day of September 20, 2004 at 8:30 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the application for a Special Use Permit to Southwestern Bell Mobile Systems, LLC d/b/a Cingular Wireless for construction of a 140' monopole tower and a 11' x 20' equipment building and generator within a 20' x 50' fenced compound to be situated on property located on 933 Ransom Road, Lancaster, County of Erie, State of New York.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

By: **JOHANNA M. COLEMAN**  
Town Clerk

September 7, 2004

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPNIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AMATURA, TO WIT:

WHEREAS, ERIC WEISENBURG, the owner of real property situate at  
29 Biscayne Drive in the Town of Lancaster, New York, has submitted an application for a Special  
Use Permit for a Home Occupation (Dealer in Firearms), in accordance with provisions of Chapter  
50-Zoning of the Code of the Town of Lancaster;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that pursuant to Chapter 50-Zoning, Section 17 (F), entitled  
"Home Occupations" of the Code of the Town of Lancaster, a Public Hearing on the proposed  
Special Use Permit for a Home Occupation (Dealer in Firearms) on premises locally known as 29  
Biscayne Drive, Lancaster, New York, will be held at the Town Hall, 21 Central Avenue,  
Lancaster, New York, on the 20th day of September, 2004, at 8:40 o'clock P.M., Local Time, and  
that Notice of the time and place of such hearing be published in the Lancaster Bee, a newspaper  
of general circulation in said Town, and be posted on the Town Bulletin Board, and that a copy of  
such Notice of Hearing be referred to the Erie County Department of Planning, pursuant to Section  
239 (m) of the General Municipal Law, which Notice shall be in the form attached hereto and  
made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on  
roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 7, 2004

File: rspecialusepermitweisenburgeric904

**LEGAL NOTICE  
PUBLIC HEARING  
TOWN OF LANCASTER**

**LEGAL NOTICE IS HEREBY GIVEN**, that pursuant to the authority set forth in Chapter 50-Zoning, Section 17 (F), "Home Occupations" of the Code of the Town of Lancaster, and the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 7th day of September, 2004, the Town Board will hold a Public Hearing on the 20th day of September, 2004, at 8:40 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the application of Eric Weisenburg for a Special Use Permit, for a Home Occupation (Dealer in Firearms) on premises locally known as 29 Biscayne Drive, Town of Lancaster, County of Erie, State of New York.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

**BY: JOHANNA M. COLEMAN**  
Town Clerk

September 7, 2004

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPNIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS, SBA Network Services, Inc. as agent for Southwestern Bell Mobile Systems LLC, d/b/a Cingular Wireless** has submitted a Site Plan for the construction of a communications tower to be located on town-owned property located on South Penora Street (S.B.L. No. 115.18-1-10) in the Town of Lancaster, and

**WHEREAS, the Planning Board** had reviewed the plan on September 1, 2004 and recommended approval, and

**WHEREAS, a SEQR review** was held on this project on August 16, 2004 and a Negative Declaration was issued at that time, and

**WHEREAS, the Town Board** has the right to waive the special use permit pursuant to Section 50-41.5 of the Town Code where a communication tower is proposed to be located on Town owned property;

**NOW, THEREFORE, BE IT**

**RESOLVED, that the Town Board of the Town of Lancaster** hereby approves the Site Plan submitted by **SBA Network Services, Inc. as agent for Southwestern Bell Mobile Systems LLC, d/b/a Cingular Wireless** for the construction of a communication tower on town-owned property located on South Penora Street in the Town of Lancaster contingent on the following conditions:

- 1) FAA to be contacted regarding lighting at top of monopole and height restriction
- 2) Landscaping plan waived as long as removal of existing vegetation is limited to compound area and driveway
- 3) Monopole to be designed with ability for future extension

**BE IT FURTHER**

**RESOLVED, that the Town Board** hereby waives the Special Use Permit for said communication tower pursuant to the authority contained in Section 50-41.5 of the Town Code.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 7, 2004

File: rsbasiteplanapprovalpenora904



THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED  
ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPNIAK, TO WIT:

**WHEREAS**, the Town Board has reviewed a proposed Lease from Southwestern Bell Mobile Systems, LLC to place a communication tower on town-owned property, known as paper street "South Penora Street", Tax Map Identifier Number 115.18-1-10, and

**WHEREAS**, the Town Board has concluded that the siting of these towers should be preferentially on existing structures and failing that, then located on municipal owned property, and

**WHEREAS**, after due consideration the Town Board deems it in the public interest to enter into a Lease Agreement with Southwestern Bell Mobile Systems, LLC as amended and approved by the Town Attorney by which the Town will gain significant consideration for town land which is presently unused and for which there is no planned use, and

**WHEREAS**, Town Law Sections 64 and 90 require that the Town Clerk post and publish a Notice of such adopted resolution.

**NOW, THEREFORE, BE IT**

**RESOLVED**, as follows:

1) The Town Board of the Town of Lancaster hereby authorizes the Supervisor of the Town of Lancaster to execute a Lease Agreement in form approved by the Town Attorney with Southwestern Bell Mobile Systems, LLC for the Town-owned parcel known as the paper street "South Penora Street", Tax Map Identification Number 115.18-1-10, and

2) The Town Board hereby directs the Town Clerk of the Town of Lancaster to publish and post a Notice setting forth the date of adoption of this resolution which shall contain an abstract of the resolution and specifying that the resolution is subject to permissive referendum.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 7, 2004

File: rsbaground/leasepernorasi904

**LEGAL NOTICE  
TOWN OF LANCASTER**

**PLEASE TAKE NOTICE** that on September 7, 2004, the Town Board of the Town of Lancaster, in the County of Erie, New York, adopted a resolution approving the lease of vacant and unimproved Town-owned property for which the Town has no planned use and known as South Penora Street, S.B.L. 115.18-1-10, to Southwestern Bell Mobile Systems, LLC for siting of a communication tower for what the Town Board deemed to be fair consideration; an abstract of which resolution, concisely stating the purpose thereof, is as follows:

**BE IT RESOLVED,**

1. That the Town Board of the Town of Lancaster hereby approves the lease of Town-owned property known as South Penora Street, S.B.L. 115-18-1-10 an unimproved paper street to Southwestern Bell Mobile Systems, LLC for valuable consideration; and authorizes the Supervisor to execute said lease.

2. That this resolution is subject to a permissive referendum.

Dated: September 7, 2004

**TOWN BOARD OF THE TOWN  
OF LANCASTER**

**BY: JOHANNA M. COLEMAN  
Town Clerk**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER RUFFINO, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR, TO WIT:

**WHEREAS**, the Highway Superintendent of the Town of Lancaster has requested that the Town cause the construction of a salt storage facility for the use of the Highway Department, and

**WHEREAS**, the Highway Committee of the Town Board recommends that the Town Board invite bids for the construction of such a facility;

**NOW, THEREFORE, BE IT  
RESOLVED**, as follows:

1. That the Town invites bids to be received by the Town Clerk on October 7, 2004 at 10:00 o'clock A.M. Local Time at the Town Hall, 21 Central Avenue, Lancaster, New York, for the purpose of constructing a salt storage facility for the use of the Highway Department in accordance with specifications on file in the Town Clerk's Office, and
2. That the Town Clerk be and is hereby authorized to place a Notice to Bidders in the Lancaster Bee and post notices thereof as required by Law, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 7, 2004

**LEGAL NOTICE  
TOWN OF LANCASTER  
NOTICE TO BIDDERS**

**NOTICE IS HEREBY GIVEN**, that sealed bids will be received by the Town Clerk of the Town of Lancaster, Erie County, New York, in the Council Chamber of the Town Hall, 21 Central Avenue, Lancaster, New York, up to 10:00 o'clock A.M., Local Time, on the 7<sup>th</sup> day of October, 2004, for the purpose of constructing a salt storage facility for the use of the Highway Department, in accordance with specifications on file in the Town Clerk's Office in the Town Hall, 21 Central Avenue, Lancaster, New York.

A Certified Check or Bid Bond in an amount representing five percentum (5%) of the Total Bid, payable to the Supervisor of the Town of Lancaster, and a Non-Collusive Bidding Certificate must accompany each bid.

The Board reserves the right to reject any or all bids and to waive any informalities.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

**BY: JOHANNA M. COLEMAN  
Town Clerk**

September 7, 2004

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL  
MEMBER AMATURA, TO WIT:

**RESOLVED**, that the following individuals be and are hereby  
appointed members of the Town of Lancaster Recreation Commission, effective for the period  
September 7, 2004 to December 31, 2008:

Cindy Barnhardt  
98 Burwell Avenue  
Lancaster, New York 14086

Gary Ambrose  
80 Holland Avenue  
Lancaster, New York 14086

The question of the adoption of the following resolution was duly put to a vote on roll  
call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 7, 2004

File: RPERS.BD (P5)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL  
MEMBER RUFFINO, TO WIT:

**WHEREAS**, the Town of Lancaster has obtained an extension to the previously awarded COPS in Schools Program Grant #2000SHWX0426, Supplement #0, for \$125,000 over a 3 year period, with a new termination date of September 30, 2007, and

**WHEREAS**, the Town of Lancaster Police Department has designated a veteran police officer to serve in the capacity of a School Resource Officer at the Lancaster Central High School, and, in accordance with grant compliance requirements must fill the position vacated by the School Resource Officer in order to implement the grant, and

**WHEREAS**, it is necessary to create one (1) additional police officer position by filing a PO-17 form with Erie County Personnel, for the purpose of appointing an individual to the grant-funded position, and

**WHEREAS**, Police Chief Gary Stoldt by memorandum dated September 1, 2004, has recommended the appointment of Michael A. Greco to the position of Police Officer, full time, permanent in the Town of Lancaster Police Department, effective September 9, 2004 at a starting salary as set forth in the current Police Benevolent Association contract, and

**WHEREAS**, Michael A. Greco is one of the top three (3) candidates on the current Erie County Civil Service Eligibility List, and has been certified through the New York State University Police System, allowing him to start community policing almost immediately,

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 7, 2004

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR, TO WIT:

**WHEREAS**, New York State Electric and Gas (NYSEG) has requested that the Town grant an easement to NYSEG to upgrade electric service to Walden Pond Park at Peppermint Road, and

**WHEREAS**, the Town Board has reviewed the request of NYSEG and deems it in the public interest to authorize the Supervisor to execute an easement running from the Town to NYSEG to provide upgraded electric service to the beforementioned park.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor of the Town of Lancaster to execute an easement running from the Town to NYSEG for the purpose of providing upgraded electric service to Walden Pond Park.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER GIZA	VOTED YES

September 7, 2004

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL  
MEMBER STEMPNIAK, TO WIT:

**RESOLVED**, that the following Audited Claims be and are hereby ordered paid from  
their respective accounts as per abstract to be filed in the Office of the Town Clerk by the Director  
of Administration and Finance, to wit:

Claim No. 10553 to Claim No. 10917 Inclusive

Total amount hereby authorized to be paid: \$503,879.18

The question of the foregoing resolution was duly put to a vote on roll call which  
resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 7, 2004

File: Reclaims



THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPNIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**RESOLVED** that the following Building Permit applications be and are hereby reaffirmed:

**CODES:**

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are waived for this permit.

(CSW) = Conditional sidewalk waiver.

(V/L) = Village of Lancaster

**NEW PERMITS:**

12166	Economy Tree Service	58 Seitz Ave	Dem. Fire Hall	
12214	R J Gullo Properties	473 Aurora St	Dem. Dwlg.	
12215	R J Gullo Properties	4908 William St	Dem. Dwlg.	
12216	People Inc	5182 Genesee St	Er. Dwlg.-Sin.	
12217	O'Donnell, Michael	1302 Townline Rd	Er. Res. Alt.	
12218	City Fence Inc	212 Enchanted Forest	Er. Fence	
12219	Ott, Joanne	37 Stephens Ct	Er. Res. Alt.	(V/L)
12220	Culkowski, Michael	6 Deerpath Dr	Er. Shed	
12221	Swimco Mfg	35 Heritage Dr	Er. Pool-In Gmd	
12222	Swimco Mfg	35 Heritage Dr	Er. Fence	
12223	Transit-Rehm Assoc.	6363 Transit Rd	Er. Sign-Temp	
12224	Hodge, Richard	111 William Kidder Rd	Er. Deck	
12225	Baynes, Rebecca	1350 Townline Rd	Er. Fence	
12226	Duro-Shed Inc	50 Irwinwood Rd	Er. Shed	(V/L)
12227	Marrano/Marc Equity	5 Avian Way	Er. Dwlg.-Sin.	
12228	Marrano/Marc Equity	14 Avian Way	Er. Dwlg.-Sin.	
12229	Antonicelli, Michael	68 Westwood Rd	Er. Garage	
12230 SW	Migliaccio Const.	163 Siebert Rd	Er. Dwlg.-Sin.	
12231	Herbst, Timothy	1284 Penora St	Er. Pool-Abv Gmd	
12232	Duro-Shed Inc	163 Pleasant View Dr	Er. Shed	
12233	Custom Patio Rooms	97 Schlemmer Rd	Er. Res. Add.	
12234	Forestream Village	4705 Transit Rd	Er. Sign-Temp	
12235	Sterling Const. Co Inc	6635 Transit Rd	Er. Comm. Alt.	
12236	Weig, Donald	69 Aurora St	Er. Res. Alt.	(V/L)
12237	Creative Fence Co Inc	3 Windsor Ridge Dr	Er. Fence	
12238	Majestic Pools Inc	202 Nathan's Trl	Er. Fence	
12239	Majestic Pools Inc	202 Nathan's Trl	Er. Pool-In Gmd	
12240	N. E. Transit & William	4949 Transit Rd	Er. Sign-Temp	
12241	Andrews, David	3 Bridgewater Ct	Er. Shed	
12242	Szymusiak, Mark	5671 Broadway	Er. Sign	
12243	Frey's Olde Time Furn.	11 Creekwood Dr	Er. Shed	
12244 SW	Lorenz, Rod	1202 Ransom Rd	Er. Dwlg.-Sin.	

12245	Duro-Shed Inc	81 Albert Dr	Er. Shed	(V/L)
12246	Majestic Pools Inc	10 Windcroft Ln	Er. Pool-In Grnd	
12247	Majestic Pools Inc	10 Windcroft Ln	Er. Fence	
12248	Jaruszewski, William	68 Livingston St	Er. Deck	(V/L)
12249	Marlow, Christine	37 Hillside Pky	Er. Shed	
12250	Jaruszewski, William	68 Livingston St	Er. Fence	(V/L)
12251	Houscrafters LLC	4952 William St	Er. Garage	
12252	Vacante, Arlene	9 Arrow Trl	Er. Shed	
12253	Carney Plumbing	18 Wayne St	Inst. Sewer Line	(V/L)
12254	Zak, Lawrence	28 Burwell Ave	Er. Fence	(V/L)
12255	Fischione, Matthew	100 Stony Rd	Er. Res. Alt.	
12256	Sicignano, Elizabeth	7 Woodlawn Ave	Er. Res. Alt.	(V/L)
12257	Picket Fence & Exteriors	62 Village View	Er. Fence	
12258	Kapsiak, Daniel	23 Bentley Cir	Er. Deck	
12259	Duro-Shed Inc	3976 Walden Ave	Er. Shed	
12260	Custom Patio Rooms	1281 Ransom Rd	Er. Res. Add.	
12261	Custom Patio Rooms	9 Arrow Trl	Er. Res. Add.	
12262	Forbes Homes Inc	98 Kennedy Ct	Er. Dwlg.-Sin.	
12263 SW	Building Solutions	5395 Genesee St	Er. Pole Barn	
12264	Evans National Bank	4979 Transit Rd	Er. Sign-Temp	
12265	Tucker Homes Inc	28 Windcroft Ln	Er. Dwlg.-Sin.	
12266	Picket Fence & Exteriors	25 Country Pl	Er. Fence	
12267	DeFelice, Michael	46 Sussex Ln	Er. Deck	
12268	Cortese Brothers Inc	27 Tanglewood Dr	Er. Res. Add.	
12269	SBA Network Systems	444 Schwartz Rd	Er. Com. Tower	
12270	Colley's Pool Sales Inc	9 Stream View Ln	Er. Pool-In Grnd	
12271	Colley's Pool Sales Inc	9 Stream View Ln	Er. Fence	
12272	Colley's Pool Sales Inc	2 Jillian Ln	Er. Pool-In Grnd	
12273	Colley's Pool Sales Inc	2 Jillian Ln	Er. Fence	
12274	Augustine, Taite	161 Schwartz Rd	Er. Pole Barn	
12275	Kid's Korner	2655 Wehrle Dr	Er. Sign-Temp	
12276	Krauze, Zbigniew	107 Pavement Rd	Er. Garage	
12277	Zika, Michael	157 Sawyer Ave	Dem. Dwlg.	(V/L)
12278	Harf, John	6342 Broadway	Er. Shed	
12279	Marrano/Marc Equity	11 Ashwood Ct	Er. Dwlg.-Sin.	
12280	Marrano/Marc Equity	15 Avian Way	Er. Dwlg.-Sin.	

#### BE IT FURTHER

**RESOLVED**, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 7, 2004

File: Rbldg2

**SUSPENDED RESOLUTION:**

Supervisor Giza requested a suspension of the necessary rules for immediate consideration of the following resolution:

Council Member Ruffino moved to suspend the necessary rules for immediate consideration of the following resolution, seconded by Council Member Montour, on roll call, which resulted as follows

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

**SUSPENSION GRANTED**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER AMATURA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR, TO WIT:

**WHEREAS**, the Town of Lancaster intends to apply for Federal Community Development Funds, known as Community Development Block Grant funds for the year 2005-2006 and must identify eligible projects which would benefit low to moderate income persons in the Town, and

**WHEREAS**, the Town Board of the Town of Lancaster deems it in the public interest to hold a Public Hearing to provide an opportunity for citizens to express community development and housing needs and to discuss proposals to meet those needs to assist the Town Board in developing the Town application for Community Development Block Grant funds;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that a Public Hearing to provide an opportunity for citizens to express community development and housing needs and to discuss possible projects which would benefit low and moderate income persons in the Town of Lancaster, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 4<sup>th</sup> day of October, 2004, at 8:30 o'clock P.M., Local Time, and that Notice of the time and place of such Hearing be published in the Lancaster Bee, the Official newspaper and be posted on the Town Bulletin Board, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 7, 2004

File: rcommdevblockgrantfunds904

**NOTICE OF PUBLIC HEARING  
NOTICE TO CITIZENS  
OF THE  
TOWN OF LANCASTER**

A Public Hearing will be held on the 4th day of October, 2004, at 8:30 o'clock P.M., Local Time, at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, regarding the use of Federal Community Development funds in the Town of Lancaster.

The Town of Lancaster is eligible for a Federal Community Development Grant under Title I of the Housing and Community Development Act of 1974, as amended.

The purpose of the Hearing is to provide an opportunity for citizens to express community development and housing needs and to discuss possible projects which would benefit low and moderate income persons in the Town of Lancaster.

Citizens are urged to attend this meeting to make known their views and/or written proposals on the Town of Lancaster's selection of potential projects to be submitted for possible funding by the Federal Community Development Grant Program.

The Hearing will also present a review of prior Community Development projects and expenditures and a discussion of eligible activities. The meeting room is wheelchair accessible. Those needing special arrangements should call the Lancaster Town Clerk's Office at (716) 683-9028 by September 14, 2004.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

**BY: JOHANNA M. COLEMAN  
Town Clerk**

September 7, 2004

## COMMUNICATIONS & REPORTS:

398. Linquinc's Italian Restaurant Inc. to Town Clerk -  
Advisement of application for renewal of liquor license. DISPOSITION = Town Attorney
399. NYS DOT to Town Clerk -  
Notice of Designation of Restricted Highway for Genesee Street at bridge over  
Ellicott Creek in Bowmansville. DISPOSITION = Received & Filed
400. Linda Miranda to Town Clerk -  
Notice of application for liquor license for Broadway Joe's, 6513 Broadway.  
DISPOSITION = Received & Filed
401. Chairman, L.I.D.A. to Town Board -  
Transmittal of Town of Lancaster Industrial Development Agency's audited financial  
statements for year ended 12/31/2003. DISPOSITION = Received & Filed
402. Town Clerk to Various News Media -  
Notice of rescheduled meeting of the Town Board. DISPOSITION = Received & Filed
403. NYS Association of Towns to Supervisor -  
Request for action regarding distribution of justice court revenue legislation recently  
approved by the legislature. DISPOSITION = Resolution 9/7/04
404. Town of Clarence Supervisor to Town of Amherst Supervisor -  
Notice of establishment of Inter-Community Committee dealing with issues affecting  
Town of Clarence and other communities. DISPOSITION = Received & Filed
405. Erie County Legislature to Supervisor -  
Notice of meeting regarding the County agriculture industry to be held August 31, 2004  
at 7:00 PM in Old County Hall. DISPOSITION = Received & Filed
406. Erie County Dept. of Environment & Planning to Town Clerk -  
Notice of Lead Agency Designation to the Town of Lancaster regarding the site plan  
review for proposed co-location of cell tower at 444 Schwartz Road. DISPOSITION =  
Received & Filed
407. Vice President, ATB68 Enterprises to Town Clerk -  
Notice of application for liquor license for Broadway Joe's, 6513 Broadway.  
DISPOSITION = Town Attorney
408. Highway Superintendent to Town Board -  
Requests resolution to solicit for bids for street sweeper. DISPOSITION = Resolution  
9/7/04
409. Town Clerk to Town Board -  
Transmittal of final settlement of 2004 County/Town Tax Warrant. DISPOSITION =  
Received & Filed
410. Town Clerk to Town Board -  
Application for Special Use Permit for David Hawk, 255 Pavement Road. DISPOSITION  
= Public Hearing 9/20/04
411. Village of Lancaster to Town Board -  
Transmittal of minutes of official meeting held August 9, 2004. DISPOSITION =  
Received & Filed
412. Highway Superintendent to Planning Board Chairman -  
Letter regarding topsoil procurement for Town projects. DISPOSITION = Highway  
Committee
413. Highway Superintendent to Planning Board Chairman -  
Notice of approval from Town Highway Department for site plan of Cingular Wireless  
Tower, 933 Ransom Road. DISPOSITION = Resolution 9/7/04

414. Erie County Department of Planning to Town Attorney -  
Recommendations regarding the Draft Supplemental Environmental Impact Statement for Pleasant Meadows Subdivision. DISPOSITION = Planning Committee
415. Town Clerk to Town Board -  
Transmittal of Special Use Permit for 29 Biscayne Drive. DISPOSITION = Public Hearing 9/20/04
416. Buffalo Niagara Realtors to Supervisor -  
Request to be put on list to be notified about changes made that will affect the transfer of property within the Town and copies of Planning Board minutes. DISPOSITION = Received & Filed
417. Niagara Frontier Transportation Authority to Supervisor -  
Notification that Annual Report can now be found online along with highlights of the fiscal year of 2003-2004 report. DISPOSITION = Received & Filed
418. Town of Lancaster Industrial Agency Chairman to Erie County Commissioner for Planning & Economic Development, Lancaster Central School District Superintendent, Supervisor & Mayor of Village of Lancaster -  
Notice of Public Hearing to be held September 2, 2004. DISPOSITION = Received & Filed
419. Eden Town Clerk to New State Governor -  
Transmittal of resolution adopted by the Eden Town Board regarding agricultural industry issues. DISPOSITION = Received & Filed
420. Town of Amherst Planning Department to Supervisor -  
Transmittal of Site Plan Review for proposed Dunkin Donuts Restaurant, 6800 Transit Road. DISPOSITION = Received & Filed
421. Town Clerk to Various Fire District Officials -  
Reminder of schedule of Annual Fire Department Inspection. DISPOSITION = Received & Filed
422. NYS DOT to Town Clerk -  
Transmittal of copy of Design Report/Environmental Assessment regarding proposed reconstruction of Transit Road from Thruway Exit 49 to Main Street. DISPOSITION = Received & Filed
423. Highway Superintendent to Town Board -  
Transmittal of specifications and request for resolution to solicit bids for Salt Storage Facility. DISPOSITION = Resolution 9/7/04
424. Town Attorney to Town Board, Planning Board, Town Clerk, Building Inspector, Town Engineer -  
Notification of SEQR meeting to be held September 7, 2004 at 6:30 PM regarding site plan review of Cingular Wireless Tower, 933 Ransom Road. DISPOSITION = Received & Filed
425. Town Clerk to Various News Media -  
Notification of SEQR meeting to be held September 7, 2004 at 6:30 PM regarding site plan review of Cingular Wireless Tower, 933 Ransom Road. DISPOSITION = Received & Filed
426. Jeremy A. Colby to Town Attorney -  
Comments and concerns regarding proposed Pleasant Meadows Subdivision. DISPOSITION = Planning Committee
427. Mr. & Mrs. John Mikula to Town Board -  
Comments and concerns regarding proposed Pleasant Meadows Subdivision. DISPOSITION = Planning Committee

428. General Crew Chief to Planning Board, Council Members Montour, Ruffino, and Stempniak -  
Notice of non-submittal of landscape plans for Cingular Wireless Tower, South Penora  
Street and Cingular Wireless Tower, 933 Ransom Road. DISPOSITION = Resolution  
9/7/04
429. General Crew Chief to Supervisor -  
Request appointment of Cindy Barnhardt to Town Recreation Commission.  
DISPOSITION = Resolution 9/7/04
430. Donna F. Kufel to Town Board -  
Comments and concerns regarding proposed Pleasant Meadows Subdivision.  
DISPOSITION = Planning Committee
431. Julie Marie Anthon to Town Board -  
Comments and concerns regarding proposed Pleasant Meadows Subdivision.  
DISPOSITION = Planning Committee
432. Denise A. Sobolewski to Town Board -  
Comments and concerns regarding proposed Pleasant Meadows Subdivision.  
DISPOSITION = Planning Committee
433. Arlene Pfister to Town Board -  
Comments and concerns regarding proposed Pleasant Meadows Subdivision.  
DISPOSITION = Planning Committee
434. Milton Pfister to Town Board -  
Comments and concerns regarding proposed Pleasant Meadows Subdivision.  
DISPOSITION = Planning Committee
435. Alfred J. Flytuck to Town Board -  
Comments and concerns regarding proposed Pleasant Meadows Subdivision.  
DISPOSITION = Planning Committee
436. Thomas & Stella Eagen to Town Board -  
Comments and concerns regarding proposed Pleasant Meadows Subdivision.  
DISPOSITION = Planning Committee
437. Linda J. Nagy to Town Board -  
Comments and concerns regarding proposed Pleasant Meadows Subdivision.  
DISPOSITION = Planning Committee
438. Madeleine A. Lewandowski, Mark A. Lewandowski to Town Board -  
Comments and concerns regarding proposed Pleasant Meadows Subdivision.  
DISPOSITION = Planning Committee
439. Donald E. Sutton to Town Board -  
Comments and concerns regarding proposed Pleasant Meadows Subdivision.  
DISPOSITION = Planning Committee
440. Donald M. Schafer to Town Board -  
Comments and concerns regarding proposed Pleasant Meadows Subdivision.  
DISPOSITION = Planning Committee
441. James and Shelly Scheifla to Town Board -  
Comments and concerns regarding proposed Pleasant Meadows Subdivision.  
DISPOSITION = Planning Committee
442. Thomas R. Ulrich to Town Board -  
Comments and concerns regarding proposed Pleasant Meadows Subdivision.  
DISPOSITION = Planning Committee
443. Beverly A. Kaufman, Charles F. Kaufman, & Irene Nichols to Town Board -  
Comments and concerns regarding proposed Pleasant Meadows Subdivision.  
DISPOSITION = Planning Committee



444. Richard Handley to Town Board -  
Comments and concerns regarding proposed Pleasant Meadows Subdivision.  
DISPOSITION = Planning Committee
445. Frederick W. Majchrzak to Town Board -  
Comments and concerns regarding proposed Pleasant Meadows Subdivision.  
DISPOSITION = Planning Committee
446. Joanne C. Eberth to Town Board -  
Comments and concerns regarding proposed Pleasant Meadows Subdivision.  
DISPOSITION = Planning Committee
447. Mary Ellen Wohlrab to Town Board -  
Comments and concerns regarding proposed Pleasant Meadows Subdivision.  
DISPOSITION = Planning Committee
448. Laurence D. Rozbiche to Town Board -  
Comments and concerns regarding proposed Pleasant Meadows Subdivision.  
DISPOSITION = Planning Committee
449. Dale Suchow to Town Board -  
Comments and concerns regarding proposed Pleasant Meadows Subdivision.  
DISPOSITION = Planning Committee
450. Terry M. Lasker, Darlene D. Lasker to Town Board -  
Comments and concerns regarding proposed Pleasant Meadows Subdivision.  
DISPOSITION = Planning Committee
451. Sierra Club, Atlantic Chapter to Town Engineer -  
Comments and concerns regarding proposed Pleasant Meadows Subdivision.  
DISPOSITION = Planning Committee
452. Silvestri Architects - PC to Planning Board Chairman -  
Letter regarding Planning Board parking lot recommendation for Realty USA, 4909  
Transit Road. DISPOSITION = Received & Filed
453. Nancy Pieniazek to Town Board -  
Comments and concerns regarding proposed Pleasant Meadows Subdivision.  
DISPOSITION = Planning Committee
454. Tina D. Ingalsbe to Town Board -  
Comments and concerns regarding proposed Pleasant Meadows Subdivision.  
DISPOSITION = Planning Committee
455. Mr. & Mrs. James S. Ward to Town Board -  
Comments and concerns regarding proposed Pleasant Meadows Subdivision.  
DISPOSITION = Planning Committee
456. William F. Fichtner to Town Board -  
Comments and concerns regarding proposed Pleasant Meadows Subdivision.  
DISPOSITION = Planning Committee
457. John Kowal, Christine B. Kowal to Town Board -  
Comments and concerns regarding proposed Pleasant Meadows Subdivision.  
DISPOSITION = Planning Committee
458. Shirley Van Houten to Town Board -  
Comments and concerns regarding proposed Pleasant Meadows Subdivision.  
DISPOSITION = Planning Committee
459. Barbara R. Paulson to Town Board -  
Comments and concerns regarding proposed Pleasant Meadows Subdivision.  
DISPOSITION = Planning Committee

460. Ella A. Dunne to Town Board -  
Comments and concerns regarding proposed Pleasant Meadows Subdivision.  
DISPOSITION = Planning Committee
461. Mr. & Mrs. Otto E. Wicand to Town Board -  
Comments and concerns regarding proposed Pleasant Meadows Subdivision.  
DISPOSITION = Planning Committee
462. Wilmer N. Froman, Marjorie Froman to Town Board -  
Comments and concerns regarding proposed Pleasant Meadows Subdivision.  
DISPOSITION = Planning Committee
463. Gerald Dalfonso to Town Board -  
Comments and concerns regarding proposed Pleasant Meadows Subdivision.  
DISPOSITION = Planning Committee
464. Wendy A. Kidder, Keith L. Kidder to Town Board -  
Comments and concerns regarding proposed Pleasant Meadows Subdivision.  
DISPOSITION = Planning Committee
465. Mr. & Mrs. Joseph B. Raniero to Town Board -  
Comments and concerns regarding proposed Pleasant Meadows Subdivision.  
DISPOSITION = Planning Committee
466. Heidi & Justin Bigham to Town Board -  
Comments and concerns regarding proposed Pleasant Meadows Subdivision.  
DISPOSITION = Planning Committee
467. Phillip J. Gallson to Town Board -  
Comments and concerns regarding proposed Pleasant Meadows Subdivision.  
DISPOSITION = Planning Committee
468. Lorce A. Paulson to Town Board -  
Comments and concerns regarding proposed Pleasant Meadows Subdivision.  
DISPOSITION = Planning Committee
469. Police Chief to Town Board -  
Request resolutions to create additional Police Officer position and appoint Michael A. Greco police officer. DISPOSITION = Resolution 9/7/04
470. Planning Board Chairman to Planning Board, Town Board, Town Engineer, Deputy Town Attorney, Building Inspector -  
Draft copy of Planning Board minutes of meeting held September 1, 2004. DISPOSITION = Received & Filed
471. Planning Board to Town Board -  
Recommend approval of Site Plan Review for Communication Tower, 933 Ransom Road; conditions noted. DISPOSITION = Resolution 9/7/04
472. Planning Board to Town Board -  
Recommend approval of Site Plan Review for Communication Tower, South Penora Street; conditions noted. DISPOSITION = Resolution 9/7/04
473. Supervisor to Eric County Legislator Raymond K. Dusza -  
Notice of desire to pipe-in culvert on west side of Central Avenue between Pleasant View Drive and Forton Drive. DISPOSITION = Received & Filed
474. Association of Eric County Governments to Town Board -  
Transmittal of resolution to restore court revenues to municipalities. DISPOSITION = Received & Filed
475. Greater Buffalo-Niagara Regional Transportation Council to Town Board -  
Notice of meeting to be held Wednesday, September 8, 2004, 9:30 AM at City Hall, Buffalo. DISPOSITION = Town Engineer

476. Michelle Nemeth to Town Board -

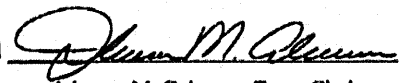
Comments and concerns regarding proposed Pleasant Meadows Subdivision.

DISPOSITION = Planning Committee

**ADJOURNMENT:**

**ON MOTION OF COUNCIL MEMBER MONTGOMERY, SECONDED BY COUNCIL MEMBER RUFFINO AND CARRIED, the meeting was adjourned at 9:04 P.M.**

Signed



Johanna M. Coleman, Town Clerk